

Robert A. Shlachter, OSB No. 911718
Email: rshlachter@stollberne.com
Timothy S. DeJong, OSB No. 940662
Email: tdejong@stollberne.com
STOLL STOLL BERNE LOKTING & SHLACHTER P.C.
209 S.W. Oak Street, Fifth Floor
Portland, Oregon 97204
Telephone: (503) 227-1600
Facsimile: (503) 227-6840

C. Dale Quisenberry (*pro hac vice* application to be filed)
Email: dquisenberry@pqelaw.com
John T. Polasek, (*pro hac vice* application to be filed)
Email: tpolasek@pqelaw.com
Jeffrey S. David, (*pro hac vice* application to be filed)
Email: jdavid@pqelaw.com
POLASEK, QUISENBERRY & ERRINGTON, L.L.P.
6750 West Loop South, Suite 920
Bellaire, Texas 77401
Telephone: (832) 778-6000
Facsimile: (832) 778-6010

Attorneys for Defendant Traffic Information, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

GOOGLE INC., a Delaware corporation,

Civil No.: 09-642-HU

Plaintiff,

v.

TRAFFIC INFORMATION, LLC, a Texas
limited liability company,

Defendant.

**MOTION TO DISMISS FOR
LACK OF SUBJECT MATTER
JURISDICTION AND
ALTERNATIVE MOTION TO
TRANSFER VENUE**

**ORAL ARGUMENT
REQUESTED**

Certification of Compliance with LR 7.1

In compliance with LR 7.1, defendant's counsel certifies that they conferred by telephone with plaintiff's counsel in a good faith effort to resolve this dispute, but were unable to resolve the dispute.

Motion

Defendant Traffic Information, LLC ("Traffic") hereby moves pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure to dismiss plaintiff Google Inc.'s Complaint for lack of subject matter jurisdiction. In the alternative, defendant moves pursuant to 28 U.S.C. §1404(a) to transfer this action to the Eastern District of Texas, Marshall Division, where three related patent infringement actions are now pending.

This motion is supported by (1) the accompanying MEMORANDUM IN SUPPORT OF TRAFFIC INFORMATION, LLC'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION AND ALTERNATIVE MOTION TO TRANSFER VENUE, and (2) the DECLARATION OF KEVIN L. RUSSELL IN SUPPORT OF TRAFFIC INFORMATION, LLC'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION AND ALTERNATIVE MOTION TO TRANSFER VENUE.

Dated this 14th day of August, 2009.

STOLL STOLL BERNE LOKTING & SHLACHTER P.C.

By: /s/ Timothy S. DeJong
Robert A. Shlachter, OSB No. 911718
Timothy S. DeJong, OSB No. 940662

209 S.W. Oak Street, Fifth Floor
Portland, Oregon 97204
Email: rshlachter@stollberne.com
tdejong@stollberne.com

-AND-

**PAGE 1 - MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION
AND ALTERNATIVE MOTION TO TRANSFER VENUE**

C. Dale Quisenberry (*pro hac vice* application to be filed)

Email: dquisenberry@pqelaw.com

John T. Polasek, (*pro hac vice* application to be filed)

Email: tpolasek@pqelaw.com

Jeffrey S. David, (*pro hac vice* application to be filed)

Email: jdavid@pqelaw.com

POLASEK, QUISENBERRY & ERRINGTON, L.L.P.

6750 West Loop South, Suite 920

Bellaire, Texas 77401

Telephone: (832) 778-6000

Facsimile: (832) 778-6010

Attorneys for Defendant Traffic Information, LLC

**PAGE 2 - MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION
AND ALTERNATIVE MOTION TO TRANSFER VENUE**